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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, )  
09 Plaintiff, ) Case No. CR00-272-JCC  
10 v. )  
11 JOSEPH JONATHAN JAMES, ) AMENDED SUMMARY REPORT OF  
12 Defendant. ) U.S. MAGISTRATE JUDGE AS TO  
ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 An evidentiary hearing on a petition for violation of supervised release was held  
15 before the undersigned Magistrate Judge on October 3, 2008. The United States was  
16 represented by Assistant United States Attorney Annette Hayes, and the defendant by Ralph  
17 Hurvitz. The proceedings were digitally recorded.

18 The defendant had been charged and convicted of Second Degree Murder within  
19 Indian Country, in violation of 18 U.S.C. §§ 1111 and 1153. On or about August 23, 2001,  
20 defendant was sentenced by the Honorable John C. Coughenour to a term of one hundred  
21 eighty (180) months in custody, to be followed by five (5) years of supervised release.

22 The conditions of supervised release included the requirements that the defendant  
23 comply with all local, state, and federal laws, and with the standard conditions. Special  
24 conditions imposed included, but were not limited to, substance abuse and mental health  
25 programs, financial disclosure, search, alcohol abstinence, do not associate with known gang  
26 members, do not enter the Lummi Indian Reservation without permission, no false

01 identification, disclose all assets and liabilities to the probation office, 180 days of electronic  
02 home monitoring.

03 In a Petition for Warrant or Summons, dated August 1, 2008, U.S. Probation Officer  
04 Jerrod Akins asserted the following violations by defendant of the conditions of his  
05 supervised release:

- 06 (1) Consuming alcohol on or before July 29, 2008, in violation of the special  
07 condition that he refrain from the use of alcohol.
- 08 (2) Failing to participate as instructed in the home confinement program, in  
09 violation of the special condition that he participate as instructed in the home  
10 confinement program with electronic monitoring as directed by the probation  
11 officer.

12 In a Supplemental Violation Report dated August 8, 2008, U.S. Probation Officer  
13 Jerrod Akins asserted the following supplemental violations by defendant of the conditions of  
14 his supervised release:

- 15 (3) Consuming alcohol on July 31, 2008, in violation of the special condition that  
16 he refrain from the use of alcohol.
- 17 (4) Committing the crime of assault and battery third degree, in violation of the  
18 general condition that he not commit another federal, state, or local crime.

19 On September 26, 2008, defendant made his initial appearance. The defendant was  
20 advised of the allegations and advised of his rights. On October 3, 2008, defendant appeared  
21 for an evidentiary hearing on the alleged violations. Defendant admitted to violations 1, 2  
22 and 3.

23 With respect to violation 4, the Court received evidence of a criminal judgment from  
24 the Lummi Tribal Court where the defendant entered a no-contest plea, and on that basis the  
25 Court recommends finding that he violated the terms of his supervision as to violation  
26 number 4.

01 I therefore recommend that the Court find the defendant to have violated the terms  
02 and conditions of his supervised release as to violations numbers 1, 2, 3 and 4, and that the  
03 Court conduct a hearing limited to disposition. A disposition hearing on these violations has  
04 been set before the Honorable John C. Coughenour on October 17, 2008 at 9:00 a.m.

05 Pending a final determination by the Court, the defendant has been detained.

06 DATED this 3rd day of October, 2008.

07   
08 JAMES P. DONOHUE  
09 United States Magistrate Judge

10 cc: District Judge: Honorable John C. Coughenour  
11 AUSA: Ms. Annette Hayes  
12 Defendant's attorney: Mr. Ralph Hurvitz  
13 Probation officer: Mr. Jerrod Akins  
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